

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

PUBLIC UTILITIES
COMMISSION

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FILED

In the Matter of)

PUBLIC UTILITIES COMMISSION)

Instituting a Proceeding to Investigate)
the Implementation of Feed-in Tariffs)
_____)

DOCKET NO. 2008-0273

MOTION FOR INTERVENTION OF
ZERO EMISSIONS LEASING LLC

AND

CERTIFICATE OF SERVICE

ERIK W. KVAM
Chief Executive Officer
Zero Emissions Leasing LLC
2800 Woodlawn Drive, Suite 131
Honolulu, Hawaii 96822
Telephone: (808) 371-1475

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**MOTION FOR INTERVENTION OF
ZERO EMISSIONS LEASING LLC**

ZERO EMISSIONS LEASING LLC (the "Applicant"), hereby moves for intervention in Docket No. 2008-0273, in the matter of Public Utilities Commission (the "Commission") instituting a proceeding to investigate the implementation of feed-in tariffs. No hearing is requested on this motion.

In support of its motion, Applicant states as follows:

1. **APPLICANT**

Applicant's legal name and business address are as follows:

Zero Emissions Leasing LLC
2800 Woodlawn Drive, Suite 131
Honolulu, Hawaii 96822

Applicant is a limited liability company organized under the laws of the state of Hawaii.

2. **CORRESPONDENCE AND/OR COMMUNICATIONS**

All correspondence and/or communications concerning this motion are to be addressed to:

Erik Kvam
Chief Executive Officer
Zero Emissions Leasing LLC
2800 Woodlawn Drive, Suite 131
Honolulu, Hawaii 96822
(808) 371-1475

3. **COMPLIANCE WITH APPLICABLE RULES.**

Applicant represents and asserts that it meets the requirements for intervention, consistent with the Rules of Practice and Procedure before the Public Utilities Commission (the "PUC Rules"), as contained in Title 6, Chapter 61, Subchapter 4, of the Hawaii Administrative Rules ("HAR"), as follows:

(1) **The Nature of the Applicant's Statutory or Other Right to Participate in the Hearing**

In its Order filed October 24, 2008 in this proceeding, the Commission states that, "Any interested individual, entity, agency, or community or business organization may file a motion to intervene ... in this docket. Motions to intervene ... must comply with all applicable rules of HAR Chapter 6-61." Applicant is a business entity interested in the subject matter of the subject matter of this proceeding. Applicant has a right to intervene as a party and to participate in the hearing in this proceeding because Applicant meets the requirements for intervention set forth under HAR § 6-61-55, as shown herein.

(2) **The Nature and Extent of the Applicant's Property, Financial, and Other Interest in the Pending Matter**

Applicant is a developer of both small-scale (100 kilowatts or less) and large-scale (more than 100 kilowatts) grid-connected photovoltaic power generation projects in Hawaii that are "new sources" of "indigenously produced renewable energy" supplied to and purchased by Hawaiian Electric Company, Inc. ("HECO"), Maui Electric Company, Limited ("MECO") and Hawaii Electric Light Company, Inc. ("HELCO") (HECO, MECO and HELCO collectively the "Hawaiian Electric Companies"). As a developer of projects that indigenously produce such renewable energy, Applicant has a property, financial and economic interest in the pending matter because Applicant will derive property, financial and economic benefits from the "increased development of alternative energy projects," the "dramatically" accelerated "addition of renewable energy from new sources," and the use of "a feed-in tariff to accelerate renewable energy development," as called for in the Energy Agreement among the State of Hawaii, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and the Hawaiian Electric Companies (the "Agreement"), and from the supply of such renewable energy to the Hawaiian Electric Companies and the purchase of such renewable energy by the Hawaiian Electric Companies at a feed-in tariff rate as may be implemented by the Commission in the pending matter.

(3) The Effect of the Pending Order as to the Applicant's Interest

The pending order will have a direct and substantial effect on Applicant's property, financial and economic interest because the revenues derived from the purchase by the Hawaiian Electric Companies of renewable energy supplied to the Hawaiian Electric Companies by grid-connected photovoltaic power generation projects developed

by Applicant will depend on the feed-in tariffs that may be implemented by the Commission in the pending matter.

(4) Other Means Available Whereby the Applicant's Interest May Be Protected

Applicant has no means other than intervention in this proceeding for protecting Applicant's property, financial and economic interest with respect to the subject matter of this proceeding. There is no other forum in which the subject matter of this proceeding is pending. There is no other forum for the resolution of these issues in which Applicant's interest may be protected.

(5) The Extent to Which the Applicant's Interest Will Not Be Represented by Existing Parties

The named parties are HECO, HELCO, MECO and the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy. None of the named parties has the same interests as Applicant or may fairly represent Applicant because none of the named parties is, like Applicant, a developer of grid-connected photovoltaic power generation projects that supply indigenously produced renewable energy to the Hawaiian Electric Companies for purchase by the Hawaiian Electric Companies.

(6) The Extent to Which the Applicant's Participation Can Assist in the Development of a Sound Record

Applicant is a developer of small-scale (100 kilowatts or less) and large-scale (more than 100 kilowatts) grid-connected photovoltaic power generation projects in Hawaii that produce renewable energy supplied to and purchased by the Hawaiian Electric Companies. As a developer of such projects, Applicant possesses, by virtue of its officers and employees, the expertise, knowledge and experience to assist the Commission, and can assist the Commission in the development of a sound record, by

providing facts, fact-based opinions and fact-based conclusions regarding “the best design for feed-in tariffs that support the Hawaii Clean Energy Initiative,” including “such factors as categories of renewables, sizes or locational limits for projects qualifying for the feed-in tariff, how to manage and identify project development milestones relative to the queue of projects wishing to take the feed-in tariff terms, what annual limits should apply to the amount of renewables allowed to take the feed-in tariff terms, what factors to incorporate into the prices set for feed-in tariff payments, and the terms, conditions, and duration of the feed-in tariff that shall be offered to all qualifying renewable projects, and the continuing role of the Competitive Bidding Framework.” (Agreement, at 17)

Applicant has specific expertise, knowledge and experience likely to assist in the development of a sound record. Applicant’s chief executive officer and chief financial officer, Erik Kvam, has a bachelor’s degree in economics and finance from the University of Wisconsin-Madison, a masters of science degree from Columbia University’s School of Engineering and Applied Sciences, where he studied electronic materials, and a law degree from Georgetown University Law Center. In creating a company to develop photovoltaic power projects in Hawaii, Zero Emissions’ CEO/CFO has used his 25 years of legal, financial, economic and engineering experience to make his own study of the renewable energy development incentives, including feed-in tariffs. Zero Emissions’ CEO/CFO has employed his knowledge of such incentives, including prospective feed-in tariffs, in sophisticated financial modeling of the costs and returns for such projects in Hawaii. He has drafted proposed legislation relating to feed-in tariffs, gotten such proposed legislation introduced and heard, and furnished extensive testimony, including modeling of ratepayer subsidy effects, for such proposed legislation.

Zero Emissions has had the experience of participating in the net energy metering docket (No. 2006-0084), from which it has learned a great deal, not just about net energy metering, but about practice and procedure before the Commission. Applicant is committed to using the specific expertise, knowledge, and experience of its CEO/CFO to assist the Commission in the development of a sound record in this proceeding.

(7) The Extent to Which the Applicant's Participation Will Broaden the Issues or Delay the Proceeding

Applicant's participation will not broaden the issues or delay the proceeding.

(8) The Extent to Which the Applicant's Interest in the Proceeding Differs from That of the General Public

Applicant's interest in this proceeding differs from that of the general public because the general public and its members are not likely to be developers, like Applicant, of small-scale (100 kilowatts or less) and large-scale (more than 100 kilowatts) grid-connected photovoltaic power generation projects in Hawaii that produce renewable energy supplied to and purchased by the Hawaiian Electric Companies.

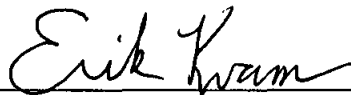
(9) Whether the Applicant's Position Is in Support of or in Opposition to the Relief Sought

Applicant's position is in support of implementing feed-in tariffs in the Hawaiian Electric Companies' service territories.

* * * *

For the foregoing reasons, Applicant respectfully requests that the Public Utilities Commission grant Applicant's motion herein for intervention in Docket No. 2008-0273.

DATED: Honolulu, Hawaii, November 12, 2008

A handwritten signature in cursive script, reading "Erik Kvam", written over a horizontal line.

Erik Kvam
Chief Executive Officer
Zero Emissions Leasing LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this date filed and served the original and eight copies of the foregoing **MOTION FOR INTERVENTION OF ZERO EMISSIONS LEASING LLC** in Docket No. 2008-0273, by hand delivery to the Commission at the following address:

CARLITO CALIBOSO
PUBLIC UTILITIES COMMISSION
465 S. King Street, Suite 103
Honolulu, HI 96813

I hereby further certify that I have this date served two copies upon the first of the following parties, and one copy upon each of the remainder of the following parties, of the foregoing **MOTION FOR INTERVENTION OF ZERO EMISSIONS LEASING LLC** in Docket No. 2008-0273, by causing such copies or copy thereof to be mailed, postage prepaid, and properly addressed to each such party as follows:

CATHERINE P. AWAKUNI
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P.O. Box 541
Honolulu, HI 96809

DARCY L. ENDO-MOTO
VICE PRESIDENT
GOVERNMENT & COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

DEAN MATSUURA
DIRECTOR, REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

JAY IGNACIO
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P.O. Box 1027
Hilo, HI 96721-1027

EDWARD L. REINHARDT
PRESIDENT
MAUI ELECTRIC COMPANY, LIMITED
P.O. Box 398
Kahului, HI 96733-6898

RANDALL J. HEE, P.E.
PRESIDENT & CEO
KAUAI ISLAND UTILITY COOPERATIVE
4463 Pahe'e Street
Lihue, HI 96766

DATED: Honolulu, Hawaii, November 12, 2008

A handwritten signature in cursive script, reading "Erik Kvam", written in dark ink. The signature is positioned above a horizontal line.

ERIK KVAM